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Attorneys for Plaintiff
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT ANTHONY MENDOZA, JR.,

Defendant.

CASE NO. 1:22-CR-00193-NODJ-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: February 28, 2024

TIME: 1 p.m.

COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on February 28, 2024 at 1 p.m.
2. By this stipulation, the parties now move to set the matter for a change of plea hearing of March 27, 2024, and to exclude time between February 28, 2024, and March 27, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The discovery has been provided to the defense.
 - b) The government has provided a plea agreement to defense counsel.
 - c) Counsel for defendant needs time to conclude plea negotiations. Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the

reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 28, 2024 to March 27, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 23, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ LAUREL J. MONTOYA
LAUREL J. MONTOYA
Assistant United States Attorney

Dated: February 23, 2024

/s/ RICHARD BESHWATE, JR.
RICHARD BESHWATE, JR.
Counsel for Defendant
ROBERT ANTHONY
MENDOZA, JR.,

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ORDER

IT IS SO ORDERED that the status conference set for February 28, 2024, is vacated. A change of plea hearing is set for **March 27, 2024, at 8:30 a.m. in Courtroom 5 before the District Court Judge**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **February 23, 2024**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE